

UNITED STATES DISTRICT COURT

EASTERN

District of PENNSYLVANIA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

SCOTT HORNICK
aka Scott Kennedy
aka Glenn Kennedy, aka Steven Ingardi
aka Jerry Todisco

Case Number: DPAE2:08-cr-00412-3

USM Number: 22234-018

John J. Fioravanti, Jr., Esquire

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

X was found guilty on count(s) 1,2,3,4,5,6,7,8
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|---|----------------------|--------------|
| 18:371 | Conspiracy to commit interstate transportation of stolen property | 7/27/2007 | 1 |
| 18:2314 | Interstate transportation of stolen property | 11/13/06 | 2-7 |
| 18:2118(d) | Conspiracy to burglarize pharmacies | 7/27/07 | 8 |

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

X The defendant has been found not guilty on count(s) 9,10

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/17/10

Date of Imposition of Judgment

Harvey Bartle III
Signature of Judge

HARVEY BARTLE III, U.S.D.C.J.

Name and Title of Judge

May 19, 2010
Date
5/19/10 cert copies to Dept. Counsel AUSA US Marshall's Probation Pretrial Jiscal FCO

DEFENDANT: SCOTT HORNICK
CASE NUMBER: 08-412-3

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 324 months

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: SCOTT HORNICK
CASE NUMBER: 08-412-3

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 3 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: SCOTT HORNICK
CASE NUMBER: 08-412-3

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|---------------|-------------------|-------------|--------------------|
| TOTALS | \$ 800.00 | \$ 0 | \$ 1,788,291.58 |

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|----------------------|--------------------|----------------------------|-------------------------------|
| SEE ATTACHED LISTS | 1,788,291.58 | 1,788,291.58 | |

| | | |
|---------------|------------------------|------------------------|
| TOTALS | \$ <u>1,788,291.58</u> | \$ <u>1,788,291.58</u> |
|---------------|------------------------|------------------------|

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: VALLIN MALCOM
CASE NUMBER: 08-412-2

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 800. due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
Defendant is to pay restitution in the total amount of \$1,788,291.58. Restitution is deferred until further order of the Court due to the large number of victims and the current inability of defendant to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Vallin Malcom 08-412-2 as per attached lists. Sasha Ingardi 08-412-1 as per attached lists. Anthony Todisco 06-244 (District of Maryland) as per attached list. Jerry Todisco 06-244 (District of Maryland) as per attached list.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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Joint and Several Liability with Vallin Malcom

| STORE | LOCATION | TOTAL LOSS |
|--------------------|--|--------------------|
| Best Buy | 7300 Guilford Drive, Fredrick, MD 21704 | \$18,336.00 |
| Guitar Center | Corporate Headquarters, PA Box 720, Riverton, UTAH 84065-9998 | \$22,062.46 |
| Ritz / Wolf Camera | Corporate Office, 6711 Ritz Way, Beltsville, MD 20705 | \$25,261.14 |
| Tweeter | c/o Fred Neufeld, Esquire, Milbank Firm, 601 South Figueroa Street, 30th Floor, Los Angeles, CA 90017 | \$27,034.00 |
| TOTAL | | \$92,693.60 |

United States v. Scott Hornick No. 08-412-3**Joint and Several Liability with Vallin Malcom and Sasha Ingardi**

| STORE | LOCATION | TOTAL LOSS |
|--------------------------------------|--|--------------|
| Applied Tech | 5985 Tarbell Road, Syracuse, NY 13206 | \$42,478.50 |
| Association for Retarded Citizens | 285 Ridge Road, Monmouth Junction, NJ 08852 | \$3,019.65 |
| Beach Camera | 80 Carter Drive. Edison, NJ 08817 | \$181,837.00 |
| Cosmetic Laser | 5 Martin Court, Easton MD 21601 | \$1,020.00 |
| Cyber Warehouse | 896 Plaza Blvd., Lancaster, PA 17601 | \$7,326.46 |
| Delmar Medical Center | 2350 Middleford Rd, Seaford, DE 19973 | \$125.50 |
| Designer Fragrance | 36494 Seaside Outlet, Rehoboth Beach, DE 19971 | \$763.00 |
| Donna's designing Salon | 4105 Hwy 1, Rehoboth Beach, DE 19971 | \$10.00 |
| Dr. Viola | 1606 Savannah Rd. Lewes, DE 19958 | \$250.00 |
| Dr. Whitesell's | 505 Dutchman's Ln, Easton MD 21601 | \$970.00 |
| Fossil Outlet | 537 Monmouth Road, Jackson, NJ 08527 | \$63,300.00 |
| Fragrance Outlet | 605 Ocean Outlet, Rehoboth Beach, DE 19971 | \$4,900.00 |
| Hirtech Camera | 1549 Manheim Pike, Lancaster PA 17601 | \$500.00 |
| In A Flash Camera | c/o Cheryl Hess, Peerless Insurance, PO Box 4858, Syracuse, NY 13221 | \$30,667.00 |
| Inner Reflections Spa | 1 Bay Road, Rehoboth Beach, DE 19971 | \$200.00 |
| Leica Camera | c/o Chubb Group of Insurance Companies, Federal Insurance Company, PO Box 4700, Chesapeake, VA 23227-4700 | \$62,864.12 |

Joint and Several Liability with Vallin Malcom and Sasha Ingardi

| STORE | LOCATION | TOTAL LOSS |
|----------------------------|--|---------------------|
| Main Street Dental | 333 North Broadway, Pennsville, NJ 08023 | \$50.00 |
| Micro Center | 550 E Lancaster Ave, St. Davids, PA 19087 | \$17,900.00 |
| Nephrology Associates | 34434 King Street, Lewes DE 19971 | \$528.75 |
| Oral and Facial Surgery | 21 Industrial Blvd, Willistown, PA 19301 | \$100.00 |
| Perfumania | c/o Steven Cohen, 251 International Parkway, Sunrise, FL 33325 | \$12,657.35 |
| Ritz / Wolf Camera | Corporate Office, 6711 Ritz Way, Beltsville, MD 20705 | \$87,049.60 |
| Unique Photo | 123 US Highway 46 West, Fairfield, NJ 07004 | \$56,223.70 |
| Wright Imaging | 3340 Monroe Ave., Pittsford NY 14618 | \$4,909.00 |
| TOTAL | | \$579,649.63 |

United States v. Scott Hornick No. 08-412-3**Joint and Several Liability with Vallin Malcom, Sasha Ingardi,
Jerry Todisco, and Anthony Todisco**

| STORE | LOCATION | TOTAL LOSS |
|--------------------------|---|--------------|
| Ace Photo | 46950 Community Plaza, Sterling VA 20164 | \$82,700.00 |
| Adventure Camera | 14 Marchwood Road, Exton PA 19341 | \$16,815.00 |
| Concordville Pharmacy | Louis Micolucci, 2341 Chichester Avenue, Chichester, Upper Chichester, PA 19061 | \$117,000.00 |
| Cutler Camera | 314 Horsham Road, Horsham PA 19044 | \$60,172.64 |
| Drugworld | 312 RT 59, Central Nyack, NY 10931 | \$9,738.51 |
| Fuller & Albert | 3170 Campbell Drive, Fairfax VA 22031 | \$10,513.42 |
| Golf Smith | 1019 S Central Street, Scarsdale NY 10583 | \$400.00 |
| Guitar Center | Corporate Headquarters, PA Box 720, Riverton, UTAH 84065-9998 | \$17,446.00 |
| Hunt's Photo & Video | 100 Main Street, Melrose, MA 02176 | \$34,963.12 |
| Jack's Camera | 200 Geiger Road, Philadelphia, PA 19115 | \$85,000.00 |
| Larmon Photo | c/o Phoenix Insurance Co., Lauren R. Klein, Esquire of Thomas, Thomas & Hafer LLP, 1600 John F. Kennedy Blvd., Suite 620, Philadelphia, PA 19103 | \$18,691.38 |
| LE Camera | 2781 Bruns Poke, Lawrenceville, NJ 08648 | \$54,044.00 |
| Leica Camera | c/o Chubb Group of Insurance Companies, Federal Insurance Company, PO Box 4700, Chesapeake, VA 23227-4700 | \$25,626.64 |

**Joint and Several Liability with Vallin Malcom, Sasha Ingardi,
Jerry Todisco, and Anthony Todisco**

| STORE | LOCATION | TOTAL LOSS |
|--------------------------|--|-----------------------|
| Penn Camera | c/o Firemen's Insurance Co. of Washington DC, PO Box 27707, Richmond, VA 23261 | \$78,212.23 |
| Photo Craft | 6025-C Burke Center Street, Fairfax VA 22015 | \$44,233.37 |
| Photo Zone | 1115 Rt. 46, Parsippany, NJ 07054 | \$116,800.00 |
| Photoshop | 1930 Rt. 88 Brick, NJ 08724 | \$21,600.00 |
| Professional Pharmacy | 183 Linden Street, Wellesley, MA 02482 | \$5,609.00 |
| Ritz / Wolf Camera | Corporate Office, 6711 Ritz Way, Beltsville, MD 20705 | \$231,392.35 |
| Shutter Bug Photo | 109 Tobias Run, Middletown, MD 21769 | \$28,950.00 |
| Simjo Camera / Photo | 7086 Mechanicsville Turnpike, Mechanicsville, VA 23111 | \$48,040.69 |
| Tweeter | c/o Fred Neufeld, Esquire, Milbank Firm, 601 South Figueroa Street, 30th Floor, Los Angeles, CA 90017 | \$8,000.00 |
| TOTAL | | \$1,115,948.35 |